

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:00CR83
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
JUSTIN J. ALLEE,	)	
	)	
Defendant.	)	

This matter is before the court on defendant's petition for a writ of audita querela, Filing No. [329](#), and motion for leave to proceed inform a pauperis, Filing No. [330](#). The court has carefully reviewed the requests and finds they must be denied. The petition is used by the defendant to attempt to circumvent the law on habeas corpus petitions, [28 U.S.C. § 2255](#). Defendant previously filed his § 2255 action, Filing No. [265](#) and Filing No. [278](#). The court ruled on it, Filing No. [285](#) and Filing No. [307](#), and denied relief. Defendant appealed, Filing No. [290](#) and Filing No. [309](#), and the Eighth Circuit ultimately denied the petition, Filing No. [319](#) and Filing No. [323](#). Defendant then tried to file an amended § 2255 petition, Filing No. [327](#), which this court denied, Filing No. [328](#). The court will once again deny defendant's motion and petition as frivolous and without merit.

THEREFORE, IT IS ORDERED that defendant's petition, Filing No. [329](#), and motion, Filing No. [330](#), are denied as frivolous.

DATED this 31<sup>st</sup> day of January, 2011.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief District Judge

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